

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 02-09
	)	
GKO & ASSOCIATES, INC.,	)	
Gregg K. Okamitsu and James P. Winzler	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around April 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents GKO & Associates, Inc., Gregg K. Okamitsu and James P. Winzler ("GKO"). The Business Registration Division records show that GKO & Associates, Inc., is a consulting engineering firm, whose business address is 124 Beale Street, F13, San Francisco, California. Business records further show that Gregg K. Okamitsu is listed as President and James P. Winzler as Vice-President of GKO & Associates, Inc. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, GKO and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or

corrective action taken by Respondents pursuant to section 11-216(g),  
HRS.

- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  - 1. On or around April 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 campaign committee ("Harris"), initiated an investigation involving excess contributions in violation of section 11-204(a), HRS.
  - 2. Section 11-204(a)(1)(C), HRS reads in part as follows: No person or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
  - 3. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

4. The election period for Jeremy Harris and the Harris 2000 campaign committee for Mayor of Honolulu include the period from November 6, 1996 to November 7, 2000.
5. On or about August 18, 1997, GKO made a contribution to Harris in the amount of \$2,000.
6. On or about August 18, 1997, Gregg K. Okamitsu made a contribution to Harris in the amount of \$1,000.
7. On or about August 18, 1977, James P. Winzler made a contribution to Harris in the amount of \$1,000.
8. On or about March 8, 2000, Gregg K. Okamitsu made a contribution to Harris in the amount of \$2,000.
9. On or about March 8, 2000, James P. Winzler made a contribution to Harris in the amount of \$2,000.
10. Total contribution to Harris for the election period from GKO amounted to \$8,000, an excess contribution of \$4,000.
11. GKO acknowledges that an excess contribution of \$4,000 had been made to the Harris 2000 campaign committee in violation of section 11-204(a)(1)(C), HRS.
12. That excess contributions in violation of section 11-204(a)(1)(C), HRS was not knowing, intentional, or reckless pursuant to section 11-229, HRS.

## VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-09, GKO understands and agrees to the following:

- (A) GKO agrees to an assessment of **One Thousand Dollars** (\$1,000) pursuant to section 11-228, HRS.
  - (1) For violation of section 11-204(a)(1)(C), HRS, making an excess campaign contribution to the Harris campaign committee for the relevant election period.
- (B) GKO agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and GKO on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENTS:**

Gregg K. Okamitsu

By: \_\_\_\_\_

Date: \_\_\_\_\_

(Name)

(Title)